

REMARKS/ARGUMENTS

The non-final Office Action of June 21, 2004, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-17 and 26-42 remain pending. Claims 18-25 and 43-50 are currently withdrawn from consideration per Applicants' Response to Restriction Requirement dated March 30, 2004.

In the specification, a number of paragraphs have been amended to correct minor editorial problems. These amendments do not add new matter. Applicants have amended the Abstract to correct a minor editorial error and to conform to the request of the Office Action to not exceed 150 words in length. The amendment does not add new subject matter.

Applicants' original Figures 3, 4, 6, 7, 9, 20, 28, 29, and 30 have been amended to correct reference numbers. The corrections to the reference numbers are reflected in the revised specification and their correction does not add new matter.

Claims 1-8, 11, 15-17, 26-33, 36, and 40-42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Hottinen et al. (Transmit Diversity Using Filtered Feedback Weights in the FDD/WCDMA System, hereinafter *Hottinen*). Applicants respectfully traverse this rejection.

Based on the 37 C.F.R. § 1.131 Declaration of the inventors, Juha Ylitalo and Marcos Katz, submitted concurrently herewith, Applicants antedate *Hottinen* by establishing a date of invention prior to the publication date of the *Hottinen* reference. The rejection is mooted by the filing of the attached declaration; however, should the declaration fail to satisfy the requirements to antedate the *Hottinen* reference, Applicants reserve the right to traverse the *Hottinen* reference on the merits. Accordingly, Applicants submit that *Hottinen* does not constitute prior art to the rejected claims. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(a).

Claims 9-10, 12-14, 34-35, and 37-39 stand objected to for being dependent on rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication that dependent claims 9-10, 12-14, 34-35, and 37-39 would be allowable if rewritten in independent form.

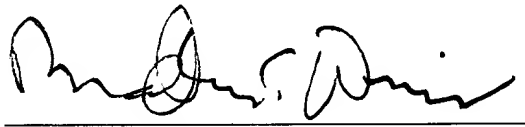
App. No.: 09/586,561
Amendment dated November 2, 2004
Reply to Office Action of June 21, 2004

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: November 2, 2004

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ANNOTATED SHEET

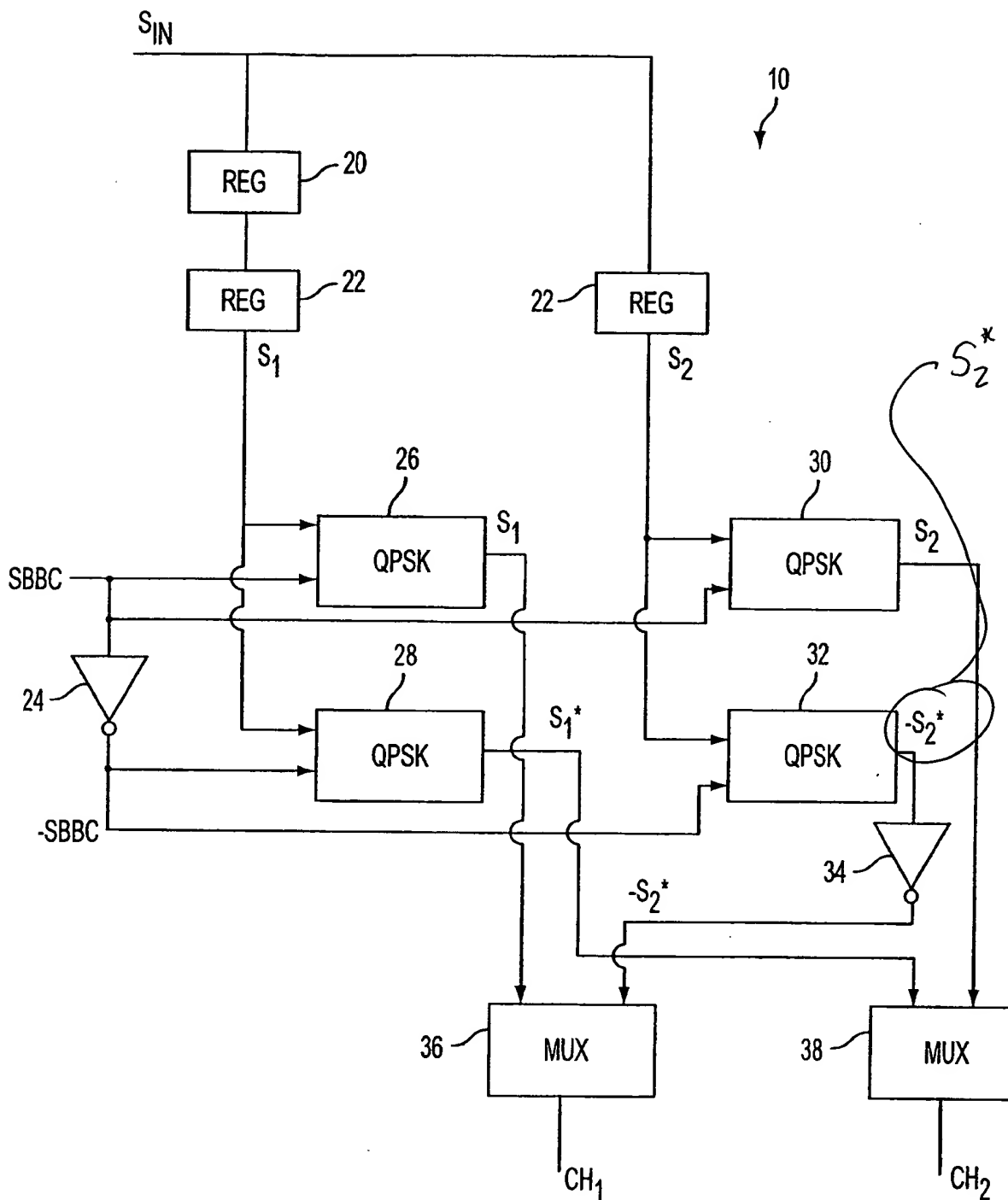


FIG. 3
 (PRIOR ART)

The diagram illustrates a Space Time Transmit Diversity Encoder (10) and its associated timing diagrams. The encoder takes an input signal S_{IN} and produces two channels, CH_1 and CH_2 . CH_1 is multiplied by a code word OC (12) and then by a signal SA_1 (102) to produce output 16. CH_2 is multiplied by a code word OC (14) and then by a signal SA_2 (104) to produce output 18. Timing diagrams show S_1 and S_2 signals over intervals T and $2T$, with S_1^* and S_2^* indicating specific signal states.

FIG. 4

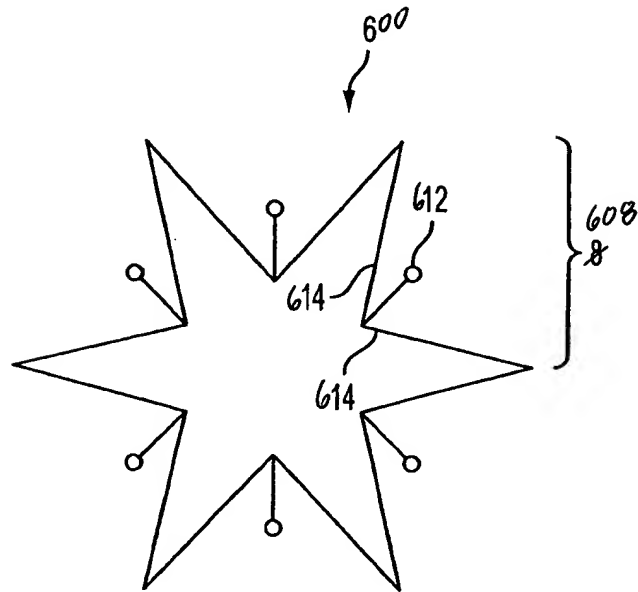


FIG. 6
(PRIOR ART)

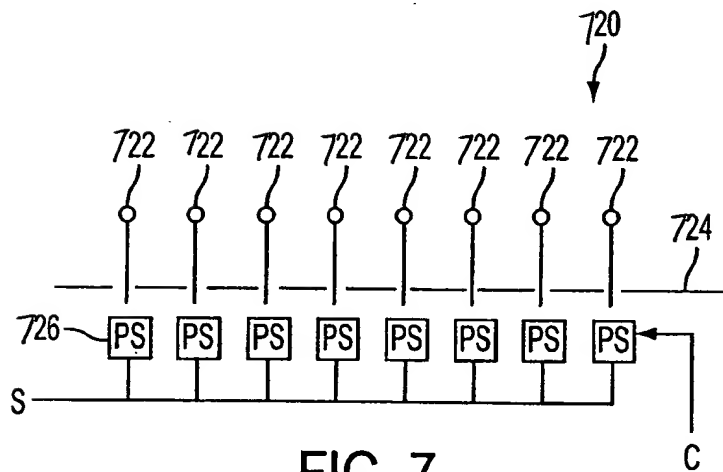


FIG. 7
(PRIOR ART)

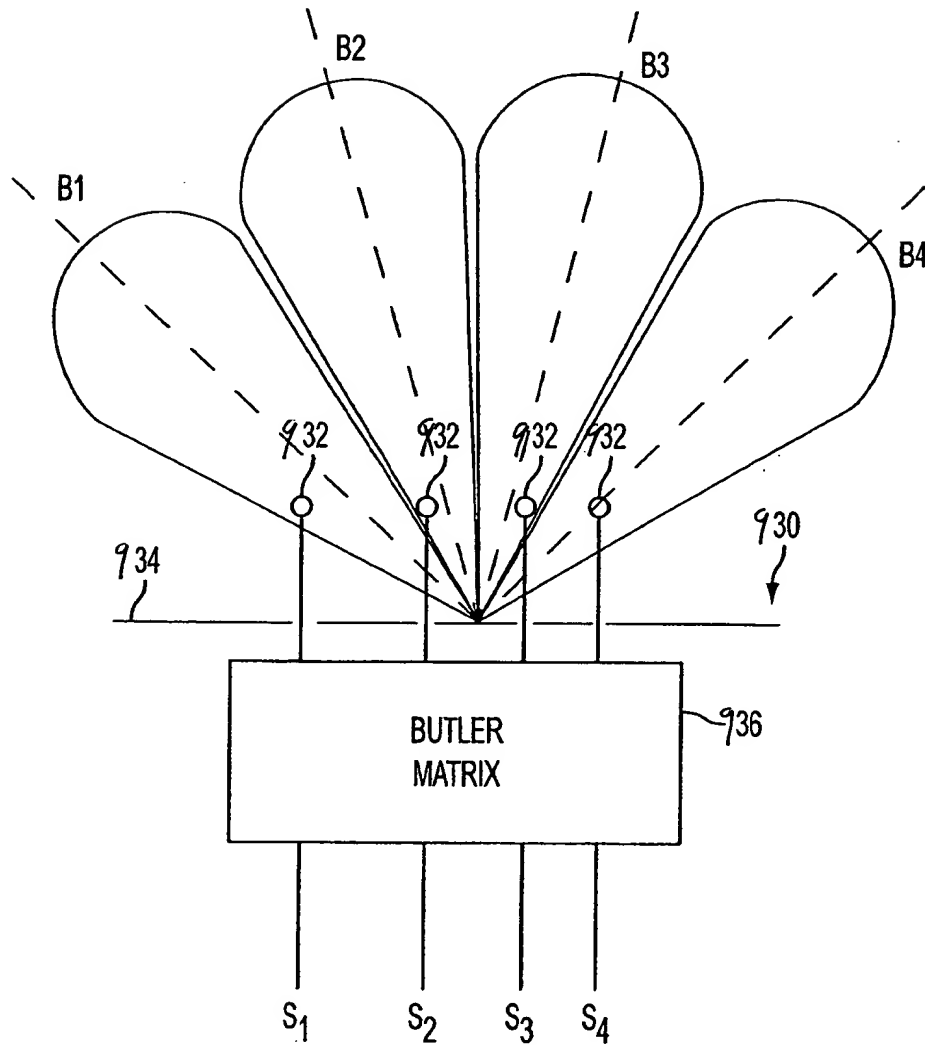


FIG. 9
(PRIOR ART)

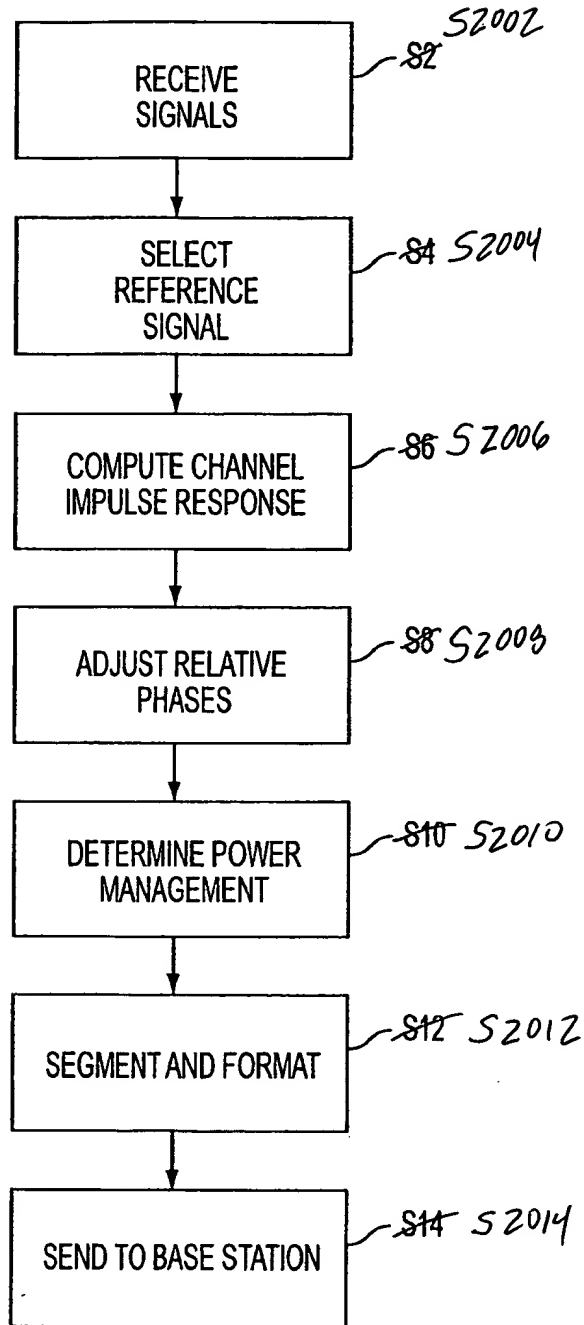


FIG. 20

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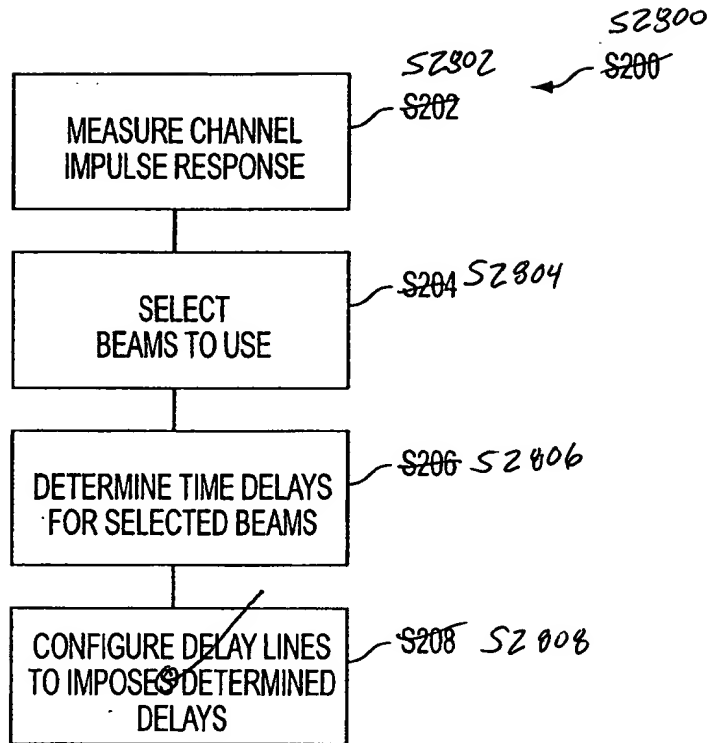


FIG. 28

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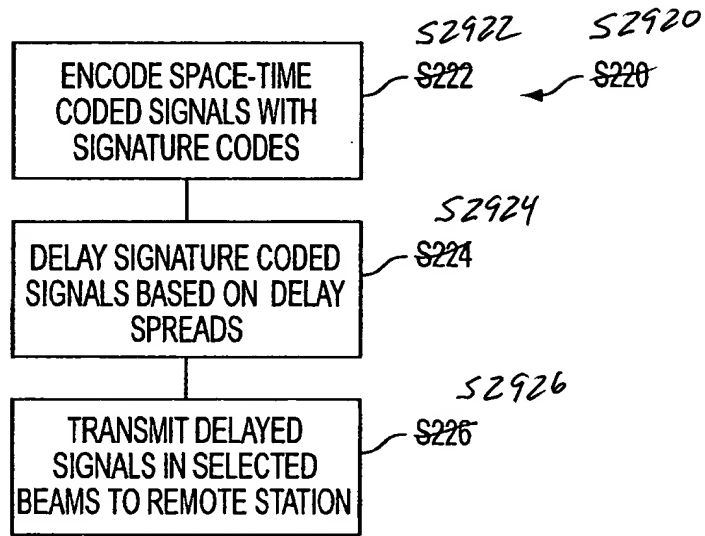


FIG. 29



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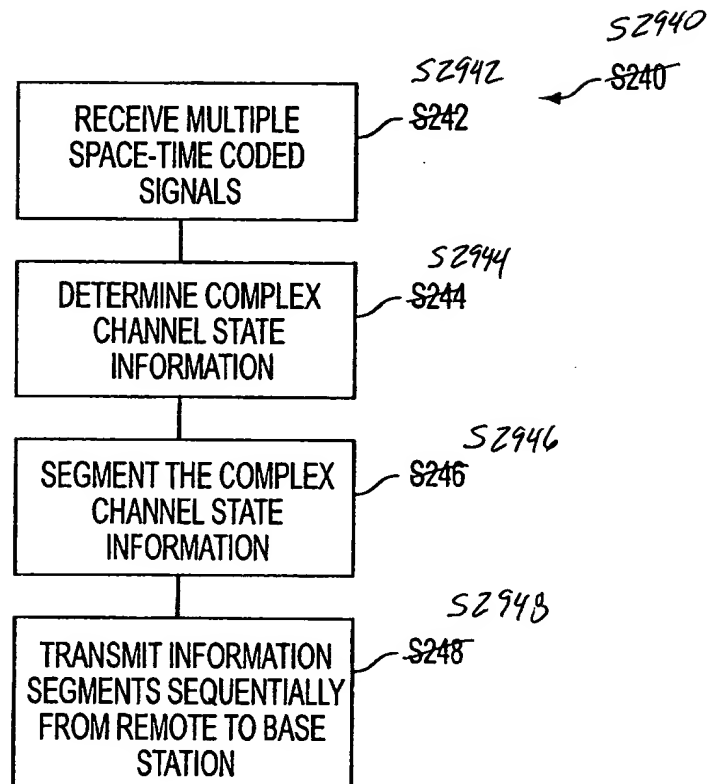


FIG. 30